

CCRB INVESTIGATIVE RECOMMENDATION

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|---|---|---------------------------|---|---|--|
| Investigator: Rolando Vasquez | Team: Squad #13 | CCRB Case #: 201910281 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 11/13/2019 4:13 PM, Wednesday, 11/13/2019 4:20 PM, Wednesday, 11/13/2019 6:00 PM | Location of Incident: Southern Boulevard and Avenue Saint John; Avenue Saint John and Fox Street; 40th Precinct stationhou | 18 Mo. SOL 12/28/2021 | Precinct: 40 | | |
| Date/Time CV Reported Wed, 11/27/2019 8:57 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Wed, 11/27/2019 8:57 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
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| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|---------|
| 1. POM Andrew Simpson | 07218 | 965869 | 040 PCT |
| 2. An officer | | | 040 PCT |
| 3. POM Emmanuel Maria | 06543 | 965788 | 040 PCT |
| 4. POF Elaine Ducasse | 02633 | 965705 | 040 PCT |
| 5. POF Stephanie Sanchez | 07748 | 961564 | 040 PCT |
| 6. POM Matthew Giannella | 27163 | 965135 | 040 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------|-----------|--------|----------|
| 1. LT Darrien King | 00000 | 936870 | I.A.B. |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A . An officer | Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to § 87(2)(b) | |
| B . An officer | Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to § 87(2)(b) | |
| C . An officer | Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to § 87(2)(b) | |
| D . An officer | Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to individuals. | |
| E . POM Andrew Simpson | Abuse: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Andrew Simpson stopped § 87(2)(b) | |
| F . POM Andrew Simpson | Abuse: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Andrew Simpson stopped individuals. | |
| G . POM Emmanuel Maria | Abuse: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria stopped § 87(2)(b) | |

| Officer(s) | Allegation | Investigator Recommendation |
|---------------------------|--|-----------------------------|
| H . POM Emmanuel Maria | Abuse: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria stopped individuals. | |
| I . POM Matthew Giannella | Abuse: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Matthew Giannella stopped § 87(2)(b) | |
| J . POM Matthew Giannella | Abuse: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Matthew Giannella stopped individuals. | |
| K . POM Emmanuel Maria | Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria spoke discourteously to § 87(2)(b) | |
| L . POM Emmanuel Maria | Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria spoke discourteously to § 87(2)(b) | |
| M . POM Matthew Giannella | Force: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Matthew Giannella used physical force against § 87(2)(b) | |
| N . POM Andrew Simpson | Force: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Andrew Simpson used physical force against § 87(2)(b) | |
| O . POM Emmanuel Maria | Force: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria used physical force against § 87(2)(b) | |
| P . POM Matthew Giannella | Abuse: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella threatened § 87(2)(b) with the use of force. | |
| Q . An officer | Force: At Avenue Saint John and Fox Street in the Bronx, an officer used physical force against § 87(2)(b) | |
| R . POM Matthew Giannella | Discourtesy: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella spoke discourteously to § 87(2)(b) | |
| S . POM Matthew Giannella | Abuse: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella threatened § 87(2)(b) with the use of force. | |
| T . POM Matthew Giannella | Off. Language: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) | |
| U . POM Matthew Giannella | Discourtesy: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella spoke discourteously to § 87(2)(b) | |
| V . POF Elaine Ducasse | Abuse: At the 40th Precinct stationhouse in the Bronx, Police Officer Elaine Ducasse strip-searched § 87(2)(b) | |
| W . POF Elaine Ducasse | Abuse: At the 40th Precinct stationhouse in the Bronx, Police Officer Elaine Ducasse strip-searched § 87(2)(b) | |
| X . POF Elaine Ducasse | Abuse: At the 40th Precinct stationhouse in the Bronx, Police Officer Elaine Ducasse strip-searched § 87(2)(b) | |
| Y . An officer | Off. Language: At the 40th Precinct stationhouse in the Bronx, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) | |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| Z. An officer | Off. Language: At the 40th Precinct stationhouse in the Bronx, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) | |
| AA. An officer | Off. Language: At the 40th Precinct stationhouse in the Bronx, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) | |
| AB. An officer | Discourtesy: At the 40th Precinct stationhouse in the Bronx, an officer spoke discourteously to § 87(2)(b) | |
| AC. An officer | Discourtesy: At the 40th Precinct stationhouse in the Bronx, an officer spoke discourteously to § 87(2)(b) | |
| AD. An officer | Discourtesy: At the 40th Precinct stationhouse in the Bronx, an officer spoke discourteously to § 87(2)(b) | |
| AE. POM Andrew Simpson | Discourtesy: At the 40th Precinct stationhouse in the Bronx, Police Officer Andrew Simpson spoke discourteously to § 87(2)(b) | |
| § 87(2)(g), § 87(4-b) | | |
| § 87(2)(g), § 87(4-b) | | |

Case Summary

On November 27, 2019, § 87(2)(b) called the CCRB and filed this complaint on behalf of herself, her minor daughter, § 87(2)(b), § 87(2)(b) two minor friends, § 87(2)(b) and § 87(2)(b) and unidentified individuals.

On November 13, 2019, at about 4:13 p.m., at Southern Boulevard and Avenue Saint John in the Bronx, § 87(2)(b) § 87(2)(b) § 87(2)(b) and unidentified individuals boarded an MTA bus. Officers boarded the bus and ordered § 87(2)(b) § 87(2)(b) § 87(2)(b) and the unidentified individuals to “Get the fuck off the bus” (**Allegations A-D: Discourtesy:** § 87(2)(g) PO Andrew Simpson, PO Emmanuel Maria, and PO Matthew Giannella, all of the 40th Precinct stopped § 87(2)(b) and unidentified individuals (**Allegations E-J: Abuse of Authority:** § 87(2)(g) PO Maria spoke discourteously toward § 87(2)(b) and § 87(2)(b) (**Allegations K-L: Discourtesy:** § 87(2)(g) PO Giannella and PO Simpson used physical force against § 87(2)(b) (**Allegations M-N: Force:** § 87(2)(g) PO Maria used physical force against § 87(2)(b) (**Allegation O: Force:** § 87(2)(g) § 87(2)(b) and § 87(2)(b) were placed under arrest for assault. § 87(2)(b) released § 87(2)(b) from the rear of a police vehicle which ultimately led to her being placed under arrest for obstructing governmental administration. § 87(2)(b) fled from the police vehicle to Avenue Saint John and Fox Street. PO Giannella threatened § 87(2)(b) with the use of force (**Allegation P: Abuse of Authority:** § 87(2)(g) An officer allegedly used physical force against § 87(2)(b) (**Allegation Q: Force:** § 87(2)(g) PO Giannella spoke discourteously toward § 87(2)(b) (**Allegation R: Discourtesy:** § 87(2)(g) PO Giannella threatened § 87(2)(b) with the use of force (**Allegation S: Abuse of Authority:** § 87(2)(g) PO Giannella allegedly used offensive and discourteous language toward § 87(2)(b) (**Allegation T-U: Offensive Language, Discourtesy:** § 87(2)(g)

§ 87(2)(b) § 87(2)(b) and § 87(2)(b) were transported to the 40th Precinct stationhouse. PO Elaine Ducasse of the 40th Precinct allegedly strip-searched § 87(2)(b) § 87(2)(b) and § 87(2)(b) (**Allegations V-X: Abuse of Authority:** § 87(2)(g)) An officer allegedly used offensive and discourteous language toward § 87(2)(b) § 87(2)(b) and § 87(2)(b) (**Allegations Y-AD: Offensive Language:** § 87(2)(g)) PO Simpson allegedly spoke discourteously toward § 87(2)(b) (**Allegation AE: Discourtesy:** § 87(2)(g)) § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were charged with assault and § 87(2)(b) was charged with obstructing governmental administration (**Board Review 01**). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(b)]

Cell phone video of the incident recorded by § 87(2)(b) was obtained and is attached to IA #40 (**Board Review 03**). Body worn camera (BWC) video was received from NYPD Legal. The videos are attached to IAs #130-140 (**Board Review 04-14**) and summarized in IA #142 (**Board Review 15**).

Findings and Recommendations

Allegation (A) Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an

officer spoke discourteously to § 87(2)(b)

Allegation (D) Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, an officer spoke discourteously to individuals.

§ 87(2)(b) and § 87(2)(b) testified that they and several other unidentified friends walked to a bus stop on their way to a restaurant (**Board Review 16-18**). Immediately upon boarding the bus and taking a seat in the back, officers boarded the bus and ordered the group to get off the bus. The civilians' testimonies differed regarding the exact statement that was said.

§ 87(2)(b) testified that PO Giannella boarded the bus and told the group to, "Get off the fucking bus." In response, § 87(2)(b) said she, § 87(2)(b) and § 87(2)(b) all said something to the effect of, "Why, we didn't do anything wrong, and PO Giannella repeated, "Get off the fucking bus." The group then got off the bus.

§ 87(2)(b) testified that PO Maria told the group to "Get the fuck off the bus."

§ 87(2)(b) testified that PO Simpson and PO Giannella boarded the bus and said, "You two, get off the bus. All of you get off the bus." § 87(2)(b) did not allege any use of profanity.

In PO Simpson's BWC video, at the 19:25 minute mark on the media player (visible at the bottom of the screen), PO Simpson and PO Giannella are captured boarding the bus via the front door. PO Giannella, who is ahead of PO Simpson as they walk to the back of the bus, tells the girls in the back of the bus repeatedly to get off the bus. At 19:35, PO Maria boards the bus from the rear door. PO Maria and PO Simpson give the girls repeated orders to get off the bus. No officer uses any profanity toward any of the civilians (**Board Review 04**).

PO Maria, PO Simpson, and PO Giannella were consistent in describing that they responded to a report of an assault involving a group of teenagers (**Board Review 19-21**). The officers canvassed the area with the school assistant principal who witnessed the fight. The assistant principal pointed out two of the girls to the officers as the perpetrators of the assault. The officers boarded the bus and ordered the girls to get off the bus. No officer used any profanity toward any of the civilians.

§ 87(2)(g)

Allegation (E) Abuse of Authority: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Andrew Simpson stopped § 87(2)(b)

Allegation (F) Abuse of Authority: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Andrew Simpson stopped individuals.

Allegation (G) Abuse of Authority: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria stopped § 87(2)(b)

Allegation (H) Abuse of Authority: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria stopped individuals.

Allegation (I) Abuse of Authority: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Matthew Giannella stopped § 87(2)(b)

Allegation (J) Abuse of Authority: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Matthew Giannella stopped individuals.

As described above, § 87(2)(b), § 87(2)(b) and § 87(2)(b) all testified that the officers boarded the bus and ordered them as well as the other unidentified girls who they were with to get off the bus. The girls were instructed to stand alongside a building near the corner.

Event documents revealed a 911 call from a man named § 87(2)(b) from § 87(2)(b) School who reported that a group of 30 kids, mostly girls who were all black and Hispanic, were “jumping” two kids. One perpetrator was described as a black (light-skinned) female with a heavyset build, who was wearing purple and named § 87(2)(b) (**Board Review 22**).

In PO Maria’s BWC video, at the 04:15 minute mark on the media player timestamp (visible at the bottom of the screen), PO Maria and PO Simpson are captured speaking with a man who provides his identification and identifies himself as an assistant principal. The assistant principal says one of the girls involved in the fight is named § 87(2)(b). At 09:40, a man, who later in the video identifies himself as a school employee, presents video on his cell phone to PO Maria and PO Simpson. The man says, “§ 87(2)(b). At 09:49, the assistant principal clarifies and says, § 87(2)(b). Her name is § 87(2)(b). He narrates the video and says, “This is when § 87(2)(b) hits her.” At 11:40, PO Maria asks the assistant principal if he could identify the suspects and the assistant principal says yes. The assistant principal enters the back of a police vehicle with PO Maria and PO Simpson and they begin driving around (**Board Review 05**).

In PO Simpson’s BWC video, at the 18:30 minute mark of the media player timestamp (visible at the bottom of the screen), PO Simpson says, “Anyone in this group here?” The assistant principal says yes. At 18:48, the officers ask, “They hit her?” The assistant principal says yes. At 18:50, the assistant principal says, “The one in the blue jacket and the one with the braids hanging down and the checkered scarf. At 19:00, the assistant principal repeats, “The one in the blue coat and the one, now she has a grey jacket on, she’s peeling off to the right.” PO Simpson says, “The one with bun and braids in the back?” The assistant principal says yes (**Board Review 04**).

As described in the previous section, PO Simpson, PO Maria, and PO Giannella board the bus and order the group of girls off the bus. At 20:25 in PO Maria’s BWC video, five girls line up against the building. The girls appear as follows, as described from left to right starting with the girl near the corner of the building: 1) An unidentified girl wearing a grey jacket and a grey hood over her head is at the corner of the building, 2) An unidentified girl wearing a black vest whose hair is in a bun but with no braids, 3) § 87(2)(b) who is wearing a blue coat with brown trim on the hood, 4) § 87(2)(b) who is wearing a black jacket, has braids on the front and no bun, 5) an unidentified girl wearing a black jacket with no braids or bun. At 20:30, § 87(2)(b) the sixth member of the group enters the frame and steps in between the other girls. § 87(2)(b) is wearing a black and white scarf, a grey jacket, has her hair in a bun, and has braids on the back of her head (**Board Review 05**).

PO Simpson, PO Maria, and PO Giannella provided the following generally consistent testimony. The officers responded to a radio run regarding an assault in progress. A witness of the assault was identified and he canvassed with the officers in the rear of PO Simpson’s and PO Maria’s vehicle. The witness pointed out two girls from a group and provided a description of them. The two girls, along with the group of girls, were stopped in relation to the reported assault. Aside from the girls who were pointed out by the witness, the other girls were stopped because they were with the girls who fit the description. Aside from the reported assault, the girls were not under suspicion of any other crime.

Officers may stop an individual when they possess reasonable suspicion that the person has committed, is committing, or is about to commit a felony or misdemeanor. People v. De Bour, 40 N.Y.2d 210 (1976) (**Board Review 23**). Officers will possess reasonable suspicion when an identified citizen informant identifies an individual as the perpetrator of a specific crime based on their own personal knowledge of the crime People v. Whorley, 125 A.D.3d 1484 (2015) (**Board Review 24**). Reasonable suspicion will not exist when an individual who does not match the

reported description of a suspect is walking with an individual who does meet the reported description of a suspect. People v. Kinsella, 139 A.D.2d 090 (1988) (**Board Review 25**).

The initial radio run described an assault by a large group of juveniles, described as black and Hispanic. As captured in the BWC video, the assistant principal provided the officers with descriptions of the two suspects who hit the assault victim, and the investigation determined that those descriptions closely matched the appearance of § 87(2)(b) and § 87(2)(b). None of the other girls in the group matched either of the descriptions. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (K) Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria spoke discourteously to § 87(2)(b)

Allegation (L) Discourtesy: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) testified that they and the other unidentified girls briefly stood against the wall until officers informed § 87(2)(b) and § 87(2)(b) that they were under arrest. None of the civilians interviewed alleged that any profanity was used after they were ordered off the bus.

In PO Maria's BWC video, at the 21:00 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) moves behind an unidentified girl, § 87(2)(b) wearing a blue jacket, has her back turned to PO Maria and is facing the wall of the building. PO Maria tells them, "Look straight at the car. Show your face." At 21:24, PO Maria says, "I need you to move to your right," to the girl standing in front of § 87(2)(b). At 21:30, PO Maria tells § 87(2)(b) "Don't cover your face. We don't have all day for this." At 21:41, § 87(2)(b) turns around to face the wall. PO Maria says, "Yo, look this way. Last time I'm fucking asking you. Look straight." At 22:11, PO Simpson walks away from the police vehicle toward PO Maria and says, "These two are under." The officers begin to place § 87(2)(b) and § 87(2)(b) under arrest (**Board Review 05**).

PO Maria testified that while he was standing next to the girls on the sidewalk, PO Simpson was asking the witness to identify the suspects of the assault. § 87(2)(b) and § 87(2)(b) were turning away from the street and hiding their faces. PO Maria ordered them to face the street so the witness could see them. They did not comply. PO Maria used profanity toward them in order to escalate his order for them to face the street.

Officers must value human life, respect the dignity of each individual, and render services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (**Board Review 26**). When an officer makes profane remarks during a stressful street encounter where the officer is attempting to maintain control of the situation, the officer's remarks will not rise to the level of actionable misconduct. DCT Case #2018-18950 (**Board Review 27**).

As captured in the BWC video, the officers had conducted a canvass with the school assistant principal, who pointed out the two alleged perpetrators of the assault. In order to confirm the arrest, the officers sought to have the witness confirm his identification of the suspects. § 87(2)(g) § 87(2)(b) and § 87(2)(b) disregarded multiple orders from PO Maria to face the street where the witness was positioned. § 87(2)(g)

§ 87(2)(b)

Allegation (M) Force: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Matthew Giannella used physical force against § 87(2)(b)

Allegation (N) Force: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Andrew Simpson used physical force against § 87(2)(b)

§ 87(2)(b) testified that she and the other girls briefly stood against the wall. PO Giannella and PO Simpson told § 87(2)(b) that she was under arrest. § 87(2)(b) pushed the officers and said, “No, you’re not going to arrest me.” PO Giannella grabbed § 87(2)(b) forearms and pulled her arms behind her back. § 87(2)(b) shook her whole body. PO Giannella and PO Simpson grabbed § 87(2)(b) arms, pulled them behind her back, and handcuffed her.

§ 87(2)(b) testified that officers, she did not remember who, ordered her to get against the wall because she was under arrest. § 87(2)(b) asked why. The officer said, “Put your hands behind your back.” Multiple officers grabbed her arms and pulled them behind her back. § 87(2)(b) pulled her arms forward away from the officers and said, “Get off me, I didn’t do nothing. The officers pulled her arms behind her back more forcefully and handcuffed her.

In the cell phone video recorded by § 87(2)(b) at the 00:46 minute mark of the media player timestamp (visible at the bottom of the screen), PO Giannella is captured with his arms wrapped around § 87(2)(b) waist. PO Simpson has his left forearm around § 87(2)(b) left elbow. At 00:54, PO Simpson, PO Giannella, and § 87(2)(b) are all facing a metal gate. At 00:59, PO Giannella and PO Simpson are standing behind § 87(2)(b) who is facing the gate. At 01:12, § 87(2)(b) appears to be handcuffed (**Board Review 03**).

In PO Simpson’s BWC video, at the 22:18 minute mark of the media player timestamp (visible at the bottom of the screen), PO Simpson approaches § 87(2)(b) and tells her to turn around and put her hands behind her back. § 87(2)(b) says, “No, I’m not going nowhere. I didn’t do nothing.” At 22:29, PO Giannella uses his left arm to hold her left elbow. With her right hand, § 87(2)(b) is clutching onto the bag of an unidentified person next to her. PO Simpson reaches for her right arm. At 22:33, § 87(2)(b) pushes PO Giannella away from her and PO Simpson’s arms are outstretched in front of him reaching toward her back. PO Simpson’s BWC falls to the ground (**Board Review 04**).

In PO Giannella’s BWC video, at the 02:30 minute mark of the media player timestamp (visible at the bottom of the screen), PO Giannella gives § 87(2)(b) multiple orders to put her hands behind her back. At 02:38, PO Giannella reaches for her left arm. At 02:42, § 87(2)(b) says, “I’m not going nowhere.” Her body is moving away from PO Giannella, and her hands are crossed in front of her. The camera becomes obscured by PO Giannella’s arms and his specific movements cannot be seen (**Board Review 09**).

In their CCRB interviews, PO Simpson and PO Giannella were consistent in describing that they told § 87(2)(b) that she was under arrest and to put her hands behind her back. § 87(2)(b) did not comply. When the officers grabbed her arms to place her in handcuffs, § 87(2)(b) resisted by pulling her arms away and pushing the officers. Ultimately, the officers were able to pull her arms behind her back and place her in handcuffs.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 28**).

The civilian testimony, cell phone video, and BWC video show that § 87(2)(b) did not comply with the officers' verbal orders to put her hands behind her back. When PO Giannella attempted to handcuff her, § 87(2)(b) physically resisted by pulling her arms and body away and by pushing PO Giannella. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (O) Force: At Southern Boulevard and Avenue Saint John in the Bronx, Police Officer Emmanuel Maria used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) provided testimony that was consistent with each other and what is captured in the cell phone video. They described that PO Maria grabbed § 87(2)(b) by the arm and pulled her arm to the side, which caused § 87(2)(b) to turn and face the wall. § 87(2)(b) said she felt uncomfortable with a man touching her so she turned back around to face him. PO Maria turned her around again in the same manner and pulled her hands behind her back to handcuff her.

In the cell phone video, at the 00:38 minute mark of the media player timestamp (visible at the bottom of the screen), PO Maria grabs § 87(2)(b) right arm with his left arm. § 87(2)(b) body turns to face the wall. PO Maria grabs her left arm and pulls it behind her back. At 00:41, § 87(2)(b) turns back around to face PO Maria and escapes his grasp. At 00:43, PO Maria and § 87(2)(b) face each other, with PO Maria's left hand holding her right arm at her side. At 01:00, PO Maria has an arm wrapped around § 87(2)(b) left arm. § 87(2)(b) turns around to face the wall. PO Maria reaches with his left arm, pulls § 87(2)(b) left arm behind her back, and handcuffs her (**Board Review 03**).

In PO Maria's BWC video, at the 02:30 minute mark of the media player timestamp (visible at the bottom of the screen), PO Maria approaches § 87(2)(b) and says, "Let's go." § 87(2)(b) says, "No, don't touch me." PO Maria says, "You're under arrest." At 22:30, § 87(2)(b) yells, "Don't fucking touch me" and turns around to face PO Maria. PO Maria grabs § 87(2)(b) wrists as he tries to apply the handcuffs. At 22:24, PO Maria is trying to apply the handcuffs to her left wrist. § 87(2)(b) says, "Get the fuck off of me" and pulls her wrist downward. At 22:49, § 87(2)(b) turns around to face the wall and PO Maria handcuffs her. At 23:16, PO Maria walks § 87(2)(b) toward a police vehicle (**Board Review 05**).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 28**).

PO Maria approached § 87(2)(b) to arrest her for the alleged assault. He initially grabbed § 87(2)(b) arm and turned her around to handcuff her. § 87(2)(b) physically resisted by turning around and breaking free of PO Maria. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (P) Abuse of Authority: At Avenue Saint John and Fox Street in the Bronx, Police

Officer Matthew Giannella threatened § 87(2)(b) with the use of force.
Allegation (R) Discourtesy: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella spoke discourteously to § 87(2)(b)
Allegation (S) Abuse of Authority: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella threatened § 87(2)(b) with the use of force.
Allegation (T) Offensive Language: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella made remarks to § 87(2)(b) based upon the gender of § 87(2)(b).
Allegation (U) Discourtesy: At Avenue Saint John and Fox Street in the Bronx, Police Officer Matthew Giannella spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that she was placed in the back of a police car after being handcuffed. § 87(2)(b) opened the door to the police car and freed § 87(2)(b) who exited the car and ran down the street. An unidentified officer caught up with her and brought her to the ground (see Allegation Q below). § 87(2)(b) denied that she made any movements after she was brought to the ground. The unidentified officer picked her up off the ground. PO Giannella caught up to them and said, “See. That’s what you get, bitch.” § 87(2)(b) said, “You a bitch.” PO Giannella walked § 87(2)(b) back to a police vehicle.

In the cell phone video provided by § 87(2)(b) at the 02:40 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) is captured opening the rear door of the police vehicle. § 87(2)(b) gets out of the vehicle and runs down the street. PO Giannella and other unidentified officers chase after her on foot. § 87(2)(b) stops following about mid-block and turns around. The cell phone video does not capture § 87(2)(b) apprehension (**Board Review 03**).

In PO Giannella’s BWC video, at the 04:50 minute mark of the media player timestamp (visible at the bottom of the screen), PO Giannella exits the driver’s seat of the police vehicle in pursuit of § 87(2)(b). At 04:55, PO Giannella says, “Stop or I’ll tase you.” At 05:09, an unidentified officer ahead of PO Giannella and § 87(2)(b) fall to the ground, though it is unclear what caused them to fall to the ground. At 05:10, § 87(2)(b) lands on the sidewalk on her left side. At 05:11, PO Giannella catches up to § 87(2)(b) and reaches his hand out toward her as she has rolled onto her back. At 05:13, PO Giannella says, “Get down or I’m going to fucking tase you.” PO Giannella is positioned next to § 87(2)(b) holding onto the back of her jacket. At 05:24, the laser light of the Taser is visible on the back of her jacket. At 06:30, § 87(2)(b) says, “I can’t breathe, I got asthma.” PO Giannella appears to move § 87(2)(b) onto her side. § 87(2)(b) says, “That’s better.” At 06:38, PO Giannella says, “Don’t fucking move or you’re going back on the ground.” At 07:40, PO Giannella picks up § 87(2)(b) and walks with her back toward the original stop location. The BWC video captures PO Giannella’s entire interactions with § 87(2)(b) at this location and does not capture him or any other officer calling her a “bitch.” (**Board Review 09**).

PO Giannella’s testified that his stress level was high during the encounter due to the nature of the initial radio run (an assault), § 87(2)(b) aggression and resistance when she was being placed under arrest, and her escape from the police vehicle. He made the verbal threats of force toward § 87(2)(b) to attempt to gain her compliance and to deter her from taking any other aggressive actions. Similarly, PO Giannella used profanity because the encounter was stressful and was made increasingly volatile by § 87(2)(b) actions, and his goal was to gain § 87(2)(b) compliance so that she could be safely brought to the stationhouse. PO Giannella never intended to use the Taser against § 87(2)(b). § 87(2)(b) was still moving while she was on the ground, which made PO Giannella concerned that she was still trying to escape, though he could not recall what specifically she was doing. PO Giannella kept § 87(2)(b) on the ground as he waited for

other officers to arrive and possibly bring a transport vehicle with them. He denied ever calling § 87(2)(b) a “bitch.”

A conducted electrical weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons actually present. Active resistance includes physically evasive movements to defeat a member of the service’s attempt at control, including bracing, tensing, pushing or verbally signally an intention to avoid or prevent being taken into or retained in custody. A CEW should never be used in cartridge or drive stun mode on a rear-handcuffed prisoner. NYPD Patrol Guide, Procedure 221-08 (**Board Review 29**).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 28**).

Officers must value human life, respect the dignity of each individual, and render services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (**Board Review 26**). When of officer makes profane remarks during a stressful street encounter where the officer is attempting to maintain control of the situation, the officer’s remarks will not rise to the level of actionable misconduct. DCT Case #2018-18950 (**Board Review 27**).

§ 87(2)(g) the Patrol Guide prohibits the use of Tasers against rear-handcuffed prisoners. § 87(2)(g) § 87(2)(b) was rear-handcuffed when she fled and when officers caught up to and regained control of her. § 87(2)(g)

§ 87(2)(g) § 87(2)(b) vigorous resistance to being placed under arrest and her subsequent escape and flight from the police vehicle, the investigation determined that this was a stressful and chaotic situation. § 87(2)(g)

The BWC footage shows that § 87(2)(b) initially fell onto her side and had turned onto her back by the time PO Giannella caught up to her. Due to the closeness of PO Giannella’s BWC to § 87(2)(b) at this point, the video does not reveal whether she was making any further movements after PO Giannella placed his hands on the back of her jacket. Immediately after PO Giannella turned § 87(2)(b) onto her side, he threatened that he would put her back face down on the ground if she moved. He said he told her this because she was still moving, which made him fearful that she may have attempted to escape again, though he could not specify what movements she was making. However, § 87(2)(b) denied that she made any movements after she was brought to the ground.

§ 87(2)(g)

§ 87(2)(g)

Allegation (Q) Force: At Avenue Saint John and Fox Street in the Bronx, an officer used physical force against § 87(2)(b)

§ 87(2)(b) testified as she ran down the sidewalk an officer whom she could not describe and who was uninvolved in her initial stop caught up with her, put his hand on her shoulder and that she felt something, she believed his knee, hit her in the back. This physical contact caused § 87(2)(b) to fall to the sidewalk.

In PO Giannella's BWC video, at the 05:02 minute mark of the media player timestamp (visible at the bottom of the screen), an officer is captured running ahead of PO Giannella. Due to PO Giannella running, the camera moves rapidly and a clear image of this officer is not captured. At 05:08, the officer ahead of PO Giannella appears to catch up with § 87(2)(b) and his arms reach out toward her. Seconds later, at 05:10, the officer and § 87(2)(b) fall onto the sidewalk. The video does not clearly capture what the physical contact that took place between § 87(2)(b) and the officer entailed (**Board Review 09**).

In PO Maria's BWC video, at the 24:37 minute mark of the media player timestamp (visible at the bottom of the screen), PO Maria exits his police vehicle and runs down the street in pursuit of § 87(2)(b). At 24:56, he turns the corner around a gate and § 87(2)(b) is already on the ground. A uniformed officer is momentarily captured kneeling on the ground next to § 87(2)(b). A bald uniformed officer catches up and stands behind PO Giannella. PO Maria returns to the original stop location where numerous officers, uniformed and in plainclothes, have arrived in numerous vehicles (**Board Review 05**).

Event documents reflect that four units of officers from the 40th Precinct responded to this incident (**Board Review 22**). A Threat, Resistance, and Injury (TRI) report was prepared by Sgt. Dawin Vanderpool of the 40th Precinct regarding this incident, however it only identified PO Maria and PO Simpson as officers who were present (**Board Review 46**). At the start of the video, Sgt. Vanderpool's BWC video shows that he arrived at the original stop location at Southern Boulevard and Avenue Saint John and was at that location when PO Giannella walked § 87(2)(b) back there to a police transport vehicle (**Board Review 13**).

BWC footage was received from eight other officers related to this incident, but none of the videos show that any of the officers who recorded the incident were involved in the foot pursuit. Photos of officers who were on duty within the 40th Precinct during tours two and three were reviewed on the on-site NYPD MOS photo terminal. No officers who resemble either of the unidentified officers captured in PO Maria's BWC video were identified.

PO Giannella testified that a hostile crowd of people had gathered around the officers during the arrest of § 87(2)(b) and § 87(2)(b) which prompted him to request additional units over the radio. Many officers, he did not remember who, started arriving at the location. After § 87(2)(b) escaped from the police vehicle, he chased her on foot. An officer who he did not know ran ahead of him and caught up to § 87(2)(b). The officer and § 87(2)(b) fell to the ground, but PO Giannella did not see what caused them to fall. PO Giannella did not know if the officer used physical force against § 87(2)(b).

PO Maria testified that he did not see how § 87(2)(b) came to be on the ground. § 87(2)(b) was already on the ground when he caught up to her. PO Maria could not identify the officer captured in the BWC video.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third

person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 28**).

The incident occurred around the time of a shift change and the roll call records and TRI report did not assist in identifying the subject officer of this allegation. The BWC video only momentarily captures the face of the officer who first caught up with § 87(2)(b) and none of the two officers interviewed were able to identify this officer. Given these circumstances, the investigation could not identify the subject of this allegation and therefore Allegation Q is pled against “An officer.” However, given § 87(2)(b) escape and flight from the police vehicle after she was placed under arrest for assault, § 87(2)(g)

§ 87(2)(b) While the BWC video does not clearly capture the physical contact that was made between the unidentified officer and § 87(2)(b) § 87(2)(b) testimony regarding the force used and the BWC footage suggest that the physical contact was limited to a momentary grasp upon the officer catching up to her a block away from her arrest location, and possibly pushing her to the ground as she continued to flee. § 87(2)(g)

Allegation (V) Abuse of Authority: At the 40th Precinct stationhouse, Police Officer Elaine Ducasse strip-searched § 87(2)(b)

Allegation (W) Abuse of Authority: At the 40th Precinct stationhouse, Police Officer Elaine Ducasse strip-searched § 87(2)(b)

Allegation (X) Abuse of Authority: At the 40th Precinct stationhouse, Police Officer Elaine Ducasse strip-searched § 87(2)(b)

§ 87(2)(b) testified that an officer, identified by the investigation as PO Ducasse, brought her, § 87(2)(b) and § 87(2)(b) to a prisoner room for juveniles. PO Ducasse removed their handcuffs and ordered the girls to either take off their shoes or remove their shoelaces. PO Ducasse then ordered them to take off their shirts such that their bras were exposed. PO Ducasse lifted the underwire of each girl’s bra. Each girl immediately put their shirt back on after their search.

§ 87(2)(b) testified that PO Ducasse ordered her to lift up her shirt. § 87(2)(b) pulled the bottom of her t-shirt forward/out in front of her. PO Ducasse reached under § 87(2)(b) shirt and felt around the edges of her bra. § 87(2)(b) bra was not exposed. § 87(2)(b) and § 87(2)(b) were brought to the same room and searched in the same manner by PO Ducasse.

§ 87(2)(b) testified that PO Ducasse and PO Stephanie Sanchez, both of the 40th Precinct, brought her, § 87(2)(b) and § 87(2)(b) to the juvenile room. PO Sanchez placed a hand under § 87(2)(b) shirt, without her undergarments ever being exposed, and felt the wiring of her bra around the edges, patted down her legs, and made her remove her shoes. PO Sanchez searched § 87(2)(b) in the same manner, as did PO Ducasse with § 87(2)(b)

The 40th Precinct Command Log does not contain any documentation of § 87(2)(b) § 87(2)(b) or § 87(2)(b) being strip-searched (**Board Review 30**) The arrest reports for § 87(2)(b) § 87(2)(b) and § 87(2)(b) all note that no strip searches were conducted (**Board Review 01**).

Starting at the 36:55 minute-mark of PO Simpson’s BWC video, § 87(2)(b) § 87(2)(b)

and § 87(2)(b) are searched by PO Ducasse and PO Sanchez in front of the stationhouse front desk. The girls are brought upstairs to the juvenile room. At 50:10, the BWC video momentarily captures § 87(2)(b) standing in the juvenile room with her winter jacket on, but does not substantively capture interactions with the girls and officers in the juvenile room (**Board Review 04**).

In PO Maria's BWC video, at the 40:45 minute-mark of the media player timestamp (visible at the bottom of the screen), PO Ducasse walks § 87(2)(b) still wearing a winter jacket, into the juvenile room and starts to remove her handcuffs, but the footage does not substantively capture any other interactions between the girls and officers in the juvenile room (**Board Review 05**).

PO Ducasse and PO Sanchez were consistent in testifying that they were instructed by a supervisor to search § 87(2)(b) § 87(2)(b) and § 87(2)(b) (**Board Review 31-32**). This search consisted of a search of their pockets, removal and of all items, and removal of all exterior clothing such as jackets, scarves, shoes, and belts. Each officer conducted an initial search in front of the front desk to remove items from the girls' pockets. PO Ducasse added that she used a handheld metal detector and waved it over the girls' bodies and was not alerted of any objects being concealed on their person. Once the girls were brought to the juvenile room, their shoes and jackets were removed. Both officers denied that they or any officer ordered the girls to remove or lift up their shirts and denied that their undergarments were ever exposed. Neither officer ever suspected that any of the girls were concealing any weapons or other contraband underneath their clothing.

Lieutenant Darrien King, of the 40th Precinct, who was working as the desk officer, testified that he instructed PO Ducasse and PO Sanchez to search § 87(2)(b) § 87(2)(b) and § 87(2)(b) because they were females (**Board Review 33**). By his instruction, Lieutenant King intended for the officers to conduct a pat down of each person's outer garments to detect any dangerous items, to remove all objects from their pockets, and to remove any exterior articles of clothing such as jackets, shoelaces, and belts. Lieutenant King did not witness the searches. He did not authorize any strip searches and was never made aware of any strip searches being conducted.

PO Simpson and PO Maria testified that PO Ducasse and PO Sanchez removed the three girls' exterior jackets, scarves, and shoelaces when they were lodged in the juvenile room. The officers denied that the girls were ever ordered to remove their shirts, denied that their bras were ever exposed, and denied that they were ever ordered to lift their shirts.

Upon arrival at precinct of arrest or other Department facility, an officer shall conduct a thorough search of the prisoner's person and clothing. A search at a police facility, which is not the same as a "strip search," includes the removal of outer garments. A strip search is any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. NYPD Patrol Guide, Procedure 208-05 (**Board Review 34**).

PO Ducasse, PO Sanchez, PO Simpson, and PO Maria all described a search in the juvenile room which was limited to them having the three girls remove their outer garments and shoes prior to being lodged. The Command Log and arrest reports do not document any strip search having been conducted. § 87(2)(b) and § 87(2)(b) testimony contradicted § 87(2)(b) account that the girls' shirts were removed and that their bras were exposed in the juvenile room.

§ 87(2)(g)

Allegation (Y) Offensive Language: At the 40th Precinct stationhouse in the Bronx, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (Z) Offensive Language: At the 40th Precinct stationhouse in the Bronx, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (AA) Offensive Language: At the 40th Precinct stationhouse in the Bronx, an officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (AB) Discourtesy: At the 40th Precinct stationhouse in the Bronx, an officer spoke discourteously to § 87(2)(b)

Allegation (AC) Discourtesy: At the 40th Precinct stationhouse in the Bronx, an officer spoke discourteously to § 87(2)(b)

Allegation (AD) Discourtesy: At the 40th Precinct stationhouse in the Bronx, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that while they were seated in the juvenile room, an officer whose name she read off his uniform as “PO Keefe,” entered the room with PO Simpson. “PO Keefe” was a black man in his 40s, with a heavy build, bald, had a mustache, and was wearing a uniform with a blue shirt. “PO Keefe” lectured the girls about their behavior. Addressing the three girls, “PO Keefe” said, “People in jail are going to make you their bitch.” Addressing § 87(2)(b) “PO Keefe” said, “When you go to jail, people are going to make you bend down and suck dick for three cigarettes.” § 87(2)(b) argued with the officer, who told her, “You don’t give a fuck. You’re gonna give a fuck when shit hits the fan.”

§ 87(2)(b) testified that two officers entered the juvenile room. One of the officers, described as a black man with a heavyset built, standing 5’7” to 5’8” tall, and dressed in a uniform with a white shirt, told the girls, “You gotta stop doing what you’re doing. You ain’t going to be nothing if you go down this road.” § 87(2)(b) and the officer started arguing with each other and he told her to “shut the fuck up.” § 87(2)(b) said something to the officer about him complaining with § 87(2)(b). The officer said to § 87(2)(b) “You have pretty lips. They’re going to pass you around for cigarettes in jail.” § 87(2)(b) said, “Fuck you.” The officers then left.

§ 87(2)(b) testified that two officers entered the juvenile room. One officer, described as a black man, who was bald, in his 50s, and dressed in a uniform with a white shirt, said, “Jail is not the place for little girls.” The other officer, described as a black man with a caramel skin tone, hair styled in dreads, and wearing a blue uniform, said, “You look like some hot little girls. Especially you, you got nice lips,” in reference to § 87(2)(b).

The 40th Precinct roll call did not list any officer with the name “Keefe” or any similar name (**Board Review 35**). Lieutenant King was the only black officer listed on the roll call who would have been wearing a uniform with a white shirt. Utilizing the on-site MOS photo terminal, no officers were identified from the 40th Precinct roll call who matched any of the descriptions provided by the three girls. The Command Log (**Board Review 30**) and the Interrupted Patrol Log (**Board Review 47**) did not note the presence of any other officers at the stationhouse who were black men or who had a name similar to “Keefe.” Stationhouse surveillance footage could not be retrieved because this aspect of the incident was not known to the CCRB until after the 30-day retention window for stationhouse footage.

PO Simpson testified that he entered the juvenile room at various times to speak with the girls to gather information for their arrest processing. PO Simpson did not remember speaking with them about anything else. PO Simpson did not remember if anyone ever accompanied him into the juvenile room. He denied that he used any profanity or offensive language toward any of the girls and he denied observing any other officer do so.

Lieutenant King did not remember if he spoke with the girls after they were lodged in the juvenile room. He denied that he used any profanity or offensive language toward them and he denied observing any other officer do so.

§ 87(2)(b) and § 87(2)(b) were consistent in describing an interaction with two officers inside the juvenile room which were substantively similar. All three girls testified that one officer made offensive language and discourteous remarks toward the three of them. However, the three girls each provided widely differing accounts of the physical description of the subject officer of these allegations. The officers interviewed all denied witnessing or participating in this encounter and denied making any of the alleged remarks. A review of the personnel on duty at the command did not reveal any other officers matching any of the distinctive descriptions provided by any of the three girls. § 87(2)(g)

Allegation (AE) Discourtesy: At the 40th Precinct stationhouse in the Bronx, Police Officer Andrew Simpson spoke discourteously to § 87(2)(b)

§ 87(2)(b) mother, testified that she went to the stationhouse to pick up § 87(2)(b) and § 87(2)(b) (Board Review 36). § 87(2)(b) spoke with PO Simpson, who said she had to wait before § 87(2)(b) and § 87(2)(b) could be released because he was waiting to hear from the juvenile department about their charges. Later, PO Simpson brought § 87(2)(b) and § 87(2)(b) to the area in front of the stationhouse front desk. § 87(2)(b) said, "Hello, can I get my phone?" § 87(2)(b) asked PO Simpson if they could get her daughter's phone. PO Simpson said no. § 87(2)(b) had not received any documentation about her daughter's phone having been taken by the police so she asked PO Simpson, "Can you write on a piece of paper stating that you have my daughter's phone?" PO Simpson said, "No." § 87(2)(b) asked why. PO Simpson said, "I'm not giving you shit." § 87(2)(b) told PO Simpson that he was rude and disrespectful. She then left the stationhouse with § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) testified that she was picked up by her aunt, § 87(2)(b) PO Simpson and § 87(2)(b) were speaking because there was an issue with § 87(2)(b) phone not being returned. PO Simpson said "something disrespectful" to § 87(2)(b) though § 87(2)(b) could not remember what he said.

PO Simpson testified that he processed the arrests of § 87(2)(b) § 87(2)(b) and § 87(2)(b) at the stationhouse and then released the three juveniles to their parents. PO Simpson did not remember any specific details about the encounters he had with any of their parents. PO Simpson did not remember § 87(2)(b) making any complaint about her daughter's phone not having been returned. § 87(2)(b) phone was vouchered as arrest evidence and therefore would not have been released with § 87(2)(b) when she was picked up. PO Simpson did not remember if § 87(2)(b) ever asked for a property voucher or any documentation for the phone. PO Simpson did not remember ever telling § 87(2)(b) "I'm not giving you shit" or using any profanity toward her.

Lieutenant King, the desk officer, testified that he did not remember seeing any of the girls being released to their parent or any dispute over § 87(2)(b) cell phone. Lieutenant King did not hear PO Simpson use any profanity toward any civilian.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 37-39**).
- § 87(2)(b)
- PO Simpson has been a member of service for two years and has been a subject in one prior CCRB complaint involving two allegations, neither of which was substantiated. § 87(2)(g)
- PO Maria has been a member of service for three years and this is the first complaint to which he has been a subject.
- PO Giannella has been a member of service for three years and this is the first complaint to which he has been a subject.
- PO Ducasse has been a member of service for three years and this is the first complaint to which she has been a subject.
- PO Sanchez has been a member of service for five years and has been a subject in one prior CCRB complaint involving one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the NYC Office of the Comptroller, no Notice of Claim has been filed regarding this incident (**Board Review 41**).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 13

Investigator: Rolando Vasquez SI Rolando Vasquez 9/15/21
Signature Print Title & Name Date

Squad Leader: Laura Kastner IM Laura Kastner 09/15/2021

Signature

Print Title & Name

Date